IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND EIGHT

PRESENT
THE HON'BLE MR JUSTICE C.V.RAMULU

Writ Petition No.26174 of 2007
and
Contempt Case No.428 of 2008

Writ Petition No.26174 of 2007:
Between:

S. Prakash, S/o. Ram Chander,
R/o. 12-1-191/A, Krishinagar Colony, Plot No. 27,
Bandlaguda, Nagole Village,
Ranga Reddy District.

..... PETITIONER

AND

1 Regional Manager, APSRTC - Picket Secunderabad.
2 Depot Manager, APSRTC Kushalguda - Ranga Reddy District.
3 Vice Chairman & MD APSRTC Musheerabad - Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction especially in the nature of Writ of Mandamus declaring the action of the 2nd respondent in not considering the provisions of Sec. 47 of Persons with Disabilities (Equal Opportunities, Protection of rights and Full Participation) Act, 1995 and arbitrarily retiring the petitioner from the service on medical grounds with effect from 16/4/2006 by passing an order on 27-4-2006 without providing any alternative employment is illegal, contrary to the law and violative of Articles 14 and 21 of the Constitution of India; and consequently direct the respondents to take the petitioner immediately to the employment either in same post or in any other suitable post with same ay scale and service benefits even if necessary by creating a supernumerary post until a suitable post is available or he attains the age of superannuation, which ever is earlie,r with all consequential benefits in the interest of justice.

Counsel for the Petitioner: MR.K.K.CHAKRAVARTHY

Counsel for the Respondents: K.MADHAVA REDDY(SC FOR APSRTC)

The Court made the following:

THE HONOURABLE SRI JUSTICE C.V. RAMULU

Writ Petition No.26174 of 2007
and
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COMMON ORDER:

In the writ petition, the petitioner questions the action of the respondent authorities in retiring him from service on medical grounds, without providing alternative employment as per Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (for short 'the Act').

While admitting the writ petition on 07.12.2007, this Court passed interim orders in W.P.M.P.No.34138 of 2007, directing the respondents to consider the case of the petitioner for providing alternative employment in any suitable post, as per the provisions of Section 47 of the Act, and pass appropriate orders as per law, within a period of four weeks from the date of receipt of a copy of the order, and communicate the same to the petitioner.

Complaining that the said interim orders have not been complied with by the respondents, the present contempt case has been filed by the petitioner.

Today, when the contempt case has come up for hearing, learned counsel for the respondents has placed before the Court, a copy of the office order, dated 15.05.2008, issued by the Personnel Officer-I, Greater

Hyderabad Zone, appointing the petitioner as Shramik, as he was found fit for X2 category, and the Depot Manager, Kushaiguda Depot, was directed to take the petitioner on duty as Shramik.

In view of the above, nothing survives in the writ petition as well as in the contempt case for further adjudication and the same are liable to be closed.

Accordingly, both the writ petition and the contempt case are closed.

JUSTICE C.V. RAMULU

20th June, 2008.
IBL

To

1 The Regional Manager, APSRTC - Picket Secunderabad.

2 The Depot Manager, APSRTC Kushalguda - Ranga Reddy District.

3 The Vice Chairman & MD APSRTC Musheerabad - Hyderabad.

4 Two CD Copies